

Remarks

Applicants have examined the Office Action mailed August 29, 2003. Claims 1-29 are pending. Claims 1-7 and 29 were rejected. Claims 10-28 were allowed. Claims 8 and 9 were objected to.

Claim Rejections—35 U.S.C. § 102

Claims 1-7 and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Levinson et al. (U.S. Patent No. 6,277,138). Applicants respectfully traverse the rejection.

Levinson et al. disclose an expandable intravascular filter slidable on a guidewire. The guidewire includes struts 21, 23, 25, and 27 attached to collars 11 and 34. See Figure 2.

In contrast, the invention of claim 1 is a distal protection filter assembly which includes an adaptor having a lumen therethrough and a holding receptacle having a plurality of slots, and a distal protection filter having a plurality of struts coupled to and retained within the plurality of slots of the holding receptacle. As can be seen clearly in Figure 2, the struts are connected to the end of collar 34. There is no indication that that struts in any embodiments are connected differently. In particular, there is no indication that the struts are retained within a plurality of slots of a holding structure.

Unlike the assembly of Levinson et al., this assembly provides a configuration whose final assembly may be done rapidly and easily at the last minute, putting a preferred filter on a preferred guidewire, for example. The filter struts may be easily secured within the adaptor.

Applicants therefore submit that claim 1 is in condition for allowance. As claims 2-7 depend from claim 1 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

With regard to claim 29, Levinson et al. do not anticipate the invention of this claim. For example, the examiner asserts that end piece 40 corresponds to the seal tube of the claim. However, end piece 40 is not disposed within the lumen of any other piece of the apparatus and therefore does not anticipate the claim which recites “a seal tube disposed within the lumen of the adaptor”. The structure claimed in claim 29 simply is not disclosed in Levinson et al.

Applicants therefore submit that claim 29 is in condition for allowance.

Claim Objections

Claims 8 and 9 were objected to as depending from a rejected base claim. As applicants submit that claim 1 is in condition for allowance, from which these claims depend, applicants respectfully request this rejection be withdrawn.

Reexamination and reconsideration are respectfully requested. Applicants submit that all pending claims are in condition for allowance; issuance of a Notice of Allowance in due course is requested. If you have any questions concerning this matter, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

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By their Attorney,

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